Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at http://about.jstor.org/participate-jstor/individuals/early-journal-content.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

Capture of Chinsurah (1809), Acton 179; *Thorshaven* (1809), Edw. Adm. 102; *The Buenos Ayres* (1811), 1 Dod. 28. It is also clear that the capture should result from operations on the sea or on navigable inland water, or at least from operations that are primarily naval in character. Compare cases just cited and the case of *Mrs. Alexander's Cotton* (1864), 2 Wall. 404. Compare also the case of *Six Hundred and Eighty Pieces of Merchandise, supra,* and *United States* v. *Two Hundred and Sixty-Nine and One-Half Bales of Cotton, supra.*

STOCK DIVIDENDS—AS INCOME OR CAPITAL—AS BETWEEN LIFE TENANT AND REMAINDERMAN.—Mrs. D. by will created trusts in favor of her son and grandson, her property consisting largely of corporate stock; after her death several dividends were declared, payable in stock, part of which was declared by the corporation to be paid out of a surplus accumulated before testatrix's death, the remainder after. All these stock dividends were received by the executor during administration. *Held*: That stock dividends paid out of earnings accumulated after the death of a stockholder are income, and go to the life beneficiary of such trust; if paid out of earnings which accrued before the life estate arose, they are principal, belonging to the corpus of the estate. Declaration of directors of corporation as to the source of its dividends has no binding or even persuasive effect on the court in deciding this question. *In re Duffil's Estate* (Cal., 1919), 183 Pac. 337.

It was found as a matter of fact in this case that the issuing of these stock dividends did not reduce the value of the corpus of the estate, and that such were actually paid out of earnings of the corporation. In this case the California court had to decide, apparently for the first time, between the two rules existing on this subject, the one generally known as the "Massachusetts" rule,—followed by Mass., Conn., Me., R. I., Ill., D. C., some English cases, and one U. S. Supreme Court case,—and the "Pennsylvania" or "American" rule, followed by Ky., Tenn., Pa., N. Y., N. J., Minn., and probably other states. It adopted, without apparent hesitation, the latter rule. By the former rule, the "Massachusetts" rule, stock dividends, though declared after the death of the testator, out of earnings accumulating after such death, nevertheless become part of the corpus of the estate, and are not to be considered as income. This seems to be based on the principle that such profit is treated as an increase in the property of the corporation, and becomes part of the capital thereof, and that the interest therein represented by each share of stock is capital and not income. By the "Pennsylvania" rule, the one adopted in the case at hand—stock dividends, declared after the life estate arose, and paid out of earnings accrued thereafter, are income, going to the life beneficiary of a trust created by testator, as against the remainderman. A few cases may be found to hold to this ruling even where the stock dividend was paid out of earnings accruing before the life estate arose, if paid afterwards, —but this class of cases is rather to be doubted on principle. The reason of the rule adopted in the present case is that such a dividend is, in reality, based on earnings, whether called by one name or another, and is, in fact, the income of the capital invested; that it is rightfully and equitably the prop-

erty of the life tenant, and the court here so decides. Accord: *Earp's Appeal,* 28 Pa. St. 368; *Hite's Devisee* v. *Hite's Executor,* 93 Ky. 257; *Pritchett* v. *Nashville Trust Co.,* 96 Tenn. 472; also see 12 L. R. A. N. S. 768. Upholding "Massachusetts" rule: *Minot* v. *Paine,* 99 Mass. 101; *Jackson* v. *Maddox et al,* Ann. Cas. 1912 B 1216;*Gibbons* v. *Mahon,* 136 U. S. 549. For an extended discussion of the question see 13 MICH. L. REV. 242.

TRESPASS—ANIMALS FERAE NATURAE—ATTRACTED TO PREMISES — DAMAGES TO ADJOINING PROPERTY—CAUSE OF ACTION.—Defendants, bone manure manufacturers, had a heap of bones on their premises, near the plaintiff's farm, for the purpose of their business. This caused a multitude of rats to assemble, and these very easily found their way onto the plaintiff's farm, resulting in the destruction of the plaintiff's crops. He now seeks compensation for losses thus sustained. It was not proved that the defendants' supply of bones was more excessive than in the past thirty years, or excessively large. *Held,* no cause of action had been established against the defendants. *Stearn* v. *Prentice Bros., Limited* [1919], 1 K. B. 394.

The court seems to have based its decision on the ground that the increase in the number of the rats in this year was not due to any acts or interference of the defendants, but merely to the fact that this was an exceptionally good breeding year. The plaintiff, though, tried to bring his case under the broad doctrine of *Rylands* v. *Fletcher* (1868), L. R. 3 H. L. 330—namely, that a landowner, who brings any agency onto his land which would not naturally come there, is liable in damages to his neighbors who are injured by the subsequent escapes of said agency. The case failed on this theory because it was not shown that the defendants brought the rats onto their premises, nor that they did any act which artificially increased the number of them naturally present. See *Brady* v. *Warren,* [1900], 2 I. R. 632, 659. If the damage was caused by some natural forces, and not by the acts of the defendants, then the defendants can not be held liable. *Giles* v. *Walker* (1890), 24 Q. B. 656; *Roberts et al* v. *Harrison,* 101 Ga. 773. To bring this case under the principle of *Rylands* v. *Fletcher* it is not enough to show merely that the rats came from the defendants' land; and the mere fact that the defendants neglected to kill them would probably not impose any liability. CLERK AND LINDSELL, LAW OF TORTS, 2nd ed., p. 387. Assuming that the plaintiff could show that the presence of the rats was a nuisance, and that it resulted naturally and proximately from the acts of the defendants in storing these bones, it seems that the plaintiff might have been more successful had he gone into equity for an injunction, as well as for damages for past injuries. It is true that the defendants probably acquired a prescriptive right to carry on their business as they had for the past thirty years; but is not true that they could maintain such a nuisance as resulted in this year from the presence of the rats. It is entirely consistent with the facts, so far as revealed, that the defendants had no prescriptive right to continue this nuisance, (*i. e.,* the presence of the rats), even though they had been in the same business for some thirty odd years. In order to establish such right the "use must be adverse, under a claim of right, and with the